

**Remarks**

Claims 59-62 and 64-65 are pending after entry of this amendment. Claims 88-94 are canceled herein without prejudice. Claims 1-58, 63, and 66-87 have previously been canceled. Claims 59-62 and 64-65 are under consideration. In light of these amendments and the following remarks, applicants respectfully request reconsideration of this application, entry of these amendments, and allowance of the claims to issue.

35 U.S.C. § 112, first paragraph

Claim 94 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office Action states that support for the phrase “wherein the embryo resulted from the joining of a female and male pronucleus” has not been provided.

Claim 94 is canceled herein without prejudice, thereby rendering moot this rejection. Therefore, applicants request withdrawal of this rejection.

35 U.S.C. § 102

A. The rejection of claims 59-62, 64, and 65 under 35 U.S.C. § 102(b) as allegedly being anticipated by Tanaka (1994, *J. Reprod. Fert.*, Vol. 100, pages 447-449) has been withdrawn.

B. The rejection of claims 59-62, 64, and 65 under 35 U.S.C. § 102(b) as allegedly being anticipated by Johnston (1998, *Poultry Science*, Vol. 77, page 142) has been withdrawn.

C. The rejection of claims 59-62, 64, and 65 under 35 U.S.C. § 102(b) as allegedly being anticipated by Naito (1990, *J. Exp. Zoo.*, Vol. 254, pages 322-326) as supported by Olsen (*J. Morph.*, 1942, Vol. 70, pages 513-533, Reference DC in the IDS filed 9/4/01) has been withdrawn.

Applicants acknowledge withdrawal of these rejections and respectfully request that claims 59-62, 64, and 65 be allowed.

35 U.S.C. § 103

The rejection of claims 59-62, 64, and 65 as allegedly being unpatentable over Johnston (1998, *Poultry Science*, Vol. 77, page 142) in view of Goldberg (1992, *Ped. Research*, Vol. 32, pages 23-26) has been withdrawn. Therefore, applicants respectfully request that claims 59-62, 64, and 65 be allowed.

Double Patenting

A. Claims 88 and 91 are objected to under 37 C.F.R. § 1.75 as allegedly being a substantial duplicate of claim 59. The Office Action states that “when two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim (underline added). See M.P.E.P. § 706.03(k).” Claims 88 and 91 are canceled herein without prejudice, thereby rendering moot this objection. Therefore, applicants respectfully request withdrawal of this objection and allowance of claim 59.

B. Claims 89 and 92 are objected to under 37 C.F.R. § 1.75 as allegedly being a substantial duplicate of claim 64. The Office Action states that “when two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim (underline added). See M.P.E.P. § 706.03(k).” Claims 89 and 92 are canceled herein without prejudice, thereby rendering moot this objection. Therefore, applicants respectfully request withdrawal of this objection and allowance of claim 64.

C. Claims 90 and 93 are objected to under 37 C.F.R. § 1.75 as allegedly being a substantial duplicate of claim 65. The Office Action states that “when two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim (underline added). See M.P.E.P.

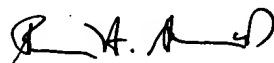
§ 706.03(k).” Claims 90 and 93 are canceled herein without prejudice, thereby rendering moot this objection. Therefore, applicants respectfully request withdrawal of this objection and allowance of claim 65.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending claims are believed to be warranted, and such action is respectfully requested. The Examiner is invited to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issuance.

No fee is believed due; however, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Bruce H. Becker, M.D., J.D.  
Registration No. 48,884

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859  
(678) 420-9300  
(678) 420-9301 (fax)

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Bruce H. Becker, M.D., J.D.

12/12/06

Date